

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA**

	:	No. 20-10949-amc
IN RE:	:	
JOSEPH M. TINNEY	:	Chapter 13
Debtor	:	

**MOTION FOR RELIEF FROM AUTOMATIC STAY
FOR FAILURE TO MAKE POST PETITION PAYMENTS**

1. Movant, Hatboro Federal Savings ("Movant"), has a first lien on the property known as 419 Tanner Road, Hatboro, Montgomery County, Pennsylvania 19040 (hereinafter referred to as the "Property") which was pledged as security for repayment of a debt.

2. Debtors, Joseph M. Tinney ("Debtor") and his wife Susan Tinney, are the owners of the Property.

3. Movant moves for relief from the Automatic Stay as to Debtor with respect to the following pending lawsuit or administrative proceeding in non-bankruptcy forum:

Hatboro Federal Savings vs. Joseph and Susan Tinney, Montgomery County Court of Common Pleas No. 2019-28017.

4. A Voluntary Petition under Chapter 13 was filed on February 17, 2020.

5. Pursuant to 11 USC §362(d)(1), cause exists to grant Movant relief from Stay to proceed with a non-bankruptcy action to final judgment in the non-bankruptcy forum for failure to make Post-Petition payments.

6. Hatboro Federal Savings holds both a mortgage loan and a home equity line of credit for Debtors.

7. Each monthly payment for the mortgage is currently \$1,324.73.

8. Each monthly payment for the home equity line of credit is \$176.06.

9. Debtor is not current on payments to Movant while in bankruptcy. Debtor has only made partial payments to Hatboro Federal Savings since filing the Bankruptcy Petition.

10. Debtor has failed to pay \$10,478.67 of post-petition payments on the mortgage through April, 2022. Specifically, Debtor has made twelve (12) partial payments and failed to make three other required payments.

11. Debtor has failed to make any payments on the home equity line of credit since November, 2021, as well as some other partial payments and prior missed payments, leaving a balance of \$1,268.54 of unpaid post-petition payments on the home equity line of credit through April, 2022.

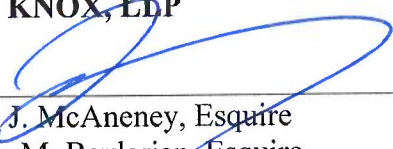
12. There is a total of \$11,747.21 in unpaid post-petition required payments as more fully set forth in the chart attached hereto as Exhibit "A."

WHEREFORE, Movant prays that this Court issue an Order granting the following:

- a. Immediate relief from the Stay as to Movant;
- b. Allowing Movant to proceed under applicable non-bankruptcy law to enforce its remedies and proceed with the Mortgage Foreclosure action docketed at Montgomery County No. 2019-28017.

TIMONEY KNOX, LLP

By: _____


John J. McAneney, Esquire
Elena M. Baylarian, Esquire
Attorneys for Movant,
Hatboro Federal Savings Bank

Dated: _____

4/26/22